

LOCAL OPERATING PROCEDURES
IMMIGRATION COURT
PHILADELPHIA, PENNSYLVANIA

PROCEDURE 1. Pre-Hearing Motions Practice.

- A. In addition to complying with 8 C.F.R. Section 3.23(a), all pre-hearing motions shall be accompanied by three (3) proposed orders for signature by the Immigration Judge. Proposed orders must conform to the format contained in Appendix E of the Local Operating Procedures. All pre-hearing motions will be decided on the basis of the written record unless the Immigration Judge determines that oral argument is necessary to make a determination on the motion.

- B. A motion under this procedure or under 8 C.F.R. Section 3.23 must be responded to by the opposing party within ten (10) days of being served in person or within thirteen (13) days if served by mail, by filing the response with the Immigration Court in Philadelphia, Pennsylvania. Upon order of the court, for good cause shown, a different time may be set for responses to pre-hearing motions. All pre-hearing motions not responded to will be deemed unopposed under 8 C.F.R. Section 3.23 (a).

- C. Pursuant to 8 C.F.R. Section 3.32(a), the parties must use a certificate of service that conforms to the format in Appendix D in the Local Operating Procedures.

PROCEDURE 2. Continuances.

Parties seeking a continuance of any scheduled hearing before an Immigration Judge shall file a written motion for continuance no less than fifteen (15) calendar days prior to the scheduled hearing. The motion shall set forth the reason(s) that the continuance is required. Unless notified by the Immigration Judge that the motion for continuance has been granted, all parties must attend the hearing and be prepared to proceed. Motions for continuance submitted within fifteen (15) calendar days of the hearing will be considered if good cause is shown, at the discretion of the Immigration Judge.”

PROCEDURE 3. Trial Procedure.

- A. At the Master Calendar hearing, the parties shall be prepared as follows:
 - 1. Respondent/Applicant shall be prepared to respond to the allegations contained in the charging document.

2. Respondent/Applicant shall be prepared to indicate all applications sought for relief from deportation, exclusion or removal.
 3. Respondent/Applicant shall be prepared to state (in hours) the estimated time needed to present the case at the Individual Calendar hearing.
 4. The Immigration and Naturalization Service (INS) shall be prepared, to the extent possible, to state its position on all issues and applications for relief from deportation/exclusion/removal.
- B. In lieu of a personal appearance at the Master Calendar hearing, a written pleading by the respondent/applicant containing the information in A.1-3 above may be filed with the Immigration Court. The written pleading must be in compliance with the written pleading format in Appendix A of the Local Operation Procedures. A written pleading must be filed at least fifteen (15) calendar days in advance of the scheduled hearing unless otherwise authorized by the Immigration Judge. The written pleading must be accompanied by a motion to waive presence at the Master Calendar hearing in the format shown at Appendix B. The motion must state that counsel has advised the respondent/appliant of the consequences of failing to appear at the next scheduled hearing as described in INA section 240(b)(5), and if applicable, the consequences of knowingly filing a frivolous asylum application as described at INA Section 208(d)(6). Such motions must be accompanied by 3 proposed orders in compliance with the order format in Appendix C of the Local Operating Procedures. Unless such order is signed by the Immigration Judge, the respondent/applicant's presence is not excused.
- C. At the Individual hearing, both parties shall be prepared to present all remaining testimony and evidence on all issues, including rebuttal.

PROCEDURE 4. General.

All matters shall proceed at the time and date scheduled for hearing. Parties shall be prepared to go forward with their cases at that time.

PROCEDURE 5. Filing Procedure.

- A. In addition to complying with 8 C.F.R. Sections 3.31 and 3.32, all documents and applications submitted for consideration by an Immigration Judge shall be two-hole punched at the top of the page with holes 2 3/4 inches apart. All exhibits and documents in support of a motion or claim shall be paginated and shall have as a first page, a table of contents with page number identification. In addition, all exhibits should be tabbed.
- B. In addition to complying with 8 C.F.R. Sections 3.31 and 3.32, all proposed

exhibits and briefs must be filed with the Immigration Court no later than ten (10) calendar days prior to the scheduled Individual Calendar hearing, unless otherwise authorized by the Immigration Judge.

- C. Attorneys shall identify by name and relationship to the Respondent, if any, all proposed witnesses they intend to bring to court and provide a brief offering as to each witness' testimony. All proposed witness lists, along with the offer must be filed with the Immigration Court no later than ten (10) days prior to the scheduled Individual Calendar hearing, unless otherwise modified by the Immigration Judge, or where good cause is shown.

APPENDIX TO LOCAL OPERATING PROCEDURES

TABLE OF CONTENTS

- (A) Written Pleading.
- (B) Motion to Waive Presence at Master Calendar hearing.
- (C) Order Waiving Appearance, Setting Due Date for Applications, and Setting Trial Date.
- (D) Certificate of Service.
- (E) Proposed Order Format.

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
PHILADELPHIA, PENNSYLVANIA

In the matter of _____)
)
)
 Respondent/Applicant)
 _____)
)

File No.: _____

In Deportation/Exclusion/Removal
Proceedings

WRITTEN PLEADING

1. Respondent/Applicant, through counsel, concedes proper service of the charging document, dated _____.
2. Attorney for the respondent/applicant has explained the right set forth in 8 C.F.R. Section 240.10 and the consequences of failing to appear in Court as set forth in the Immigration and Nationality Act, Section 240 (b) (5) .
3. Respondent/Applicant concedes the following allegation(s) _____, and denies the following allegation(s) _____.
4. Respondent/Applicant concedes the following charges of deportability/excludability/removability _____, and denies the following charges of deportability/excludability/ removability _____.
5. In the event of removal or deportation, respondent/applicant names _____ as the country to which removal or deportation should be directed.
6. As to relief from deportation/exclusion/removal, respondent/applicant will be filing application(s) for _____. The application(s) shall be filed with the Court within thirty (30) days of the date of this written pleading, unless otherwise directed by the Court. Respondent/Applicant acknowledges that if the application(s) are not timely filed, the application(s) shall be deemed waived under 8 C.F.R. Section 3.31 (c) .
7. Counsel for the respondent/applicant estimates that _____ hour(s) shall be required to present the case.
8. It is requested that a _____ interpreter be provided.

Date

Attorney/Representative
for Respondent/Applicant

I, _____, attest to my full knowledge and understanding of my rights set forth in 8 C.F.R. Section 240.10 I waive a further explanation of such rights by this Court.

Further, I understand the consequences of failing to appear for a deportation/exclusion/removal hearing or a scheduled date of departure. I knowingly and

voluntarily waive the oral notice required by the Immigration and Nationality Act Section 240(b)(7), alternatively, I authorize this waiver by my attorney/representative.

Finally, I understand that in accordance with 8 C.F.R. Section 3.15(d), if my address changes I must notify the Court within 5 days of such change by filling out and mailing the EOIR-33 form.

DATE

Attorney/Representative

Respondent's Signature

Appendix A

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
PHILADELPHIA, PENNSYLVANIA

In the matter of)
)
)
Respondent/Applicant)
_____)

File No.: _____

In Deportation/Exclusion/Removal
Proceedings

ON BEHALF OF INS

ON BEHALF OF RESPONDENT/APPLICANT

ORDER

Upon receipt of Motion to Waive Appearance and the Written Pleading , the respondent/applicant's Motion to Waive Appearance at Master Calendar Hearing is granted. The application(s) for relief must be filed within ____ days of this order.

The hearing is set for the ____ day of _____, 19__ at ____ a.m./p.m., at

_____.

DONE AND ORDERED this ____ day of _____, 199__, at Philadelphia, Pennsylvania.

U.S. Immigration Judge

Appendix C

CERTIFICATE OF SERVICE

CASE NAME _____

CASE NO. _____

I HEREBY CERTIFY that on this day of _____, 199 _____, I caused to be served the:

_____ (describe the documents being served)

(check) _____ By placing a true copy thereof in a sealed envelope, with the postage thereon fully prepaid and causing same to be mailed by first class mail to the person at the address set forth below.

_____ by causing to be personally delivered a true copy thereof to the person at the address set forth below.

_____ by express mail services to the person at the address set forth below.

_____ by certified mail return receipt requested to the person at the address and phone number set forth below.

ADDRESS OF THE PERSON BEING SERVED

I declare under penalty of perjury that the foregoing is true and correct. Executed on _____, 199 _____.

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
PHILADELPHIA, PENNSYLVANIA

In the matter of)
)
)
Respondent/Applicant)
_____)

File No.: _____

In Deportation/Exclusion/Removal
Proceedings

ON BEHALF OF INS

ON BEHALF OF RESPONDENT/APPLICANT

ORDER

(INSERT BODY OF THE ORDER)

DONE AND ORDERED this _____ day of _____, 199 ____, at Philadelphia,
Pennsylvania.

U.S. Immigration Judge

SAMPLE ONLY

Appendix E